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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,895	10/24/2003	Hoe-Won Kim	678-1055	8709

66547 7590 03/27/2008

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EXAMINER	
WHIPPLE, BRIAN P	

ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
03/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,895	KIM, HOE-WON	
	Examiner	Art Unit	
	Brian P. Whipple	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments filed 1/4/08 have been fully considered but they are not persuasive.

3. As to claim 1, Applicant argues that Moshaiov fails to describe that the slave checks the received items to determine whether the items sent by the master are in fact the items requested by the slave. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the slave checks the received items to determine whether the items sent by the master are in fact the items requested by the slave) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Further regarding claim 1, Applicant argues Moshaiov fails to describe the master broadcasts identifier information without a request from a slave. In response to applicant's

argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the master broadcasts identifier information without a request from a slave) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Additionally, Applicant's arguments are directed to amended subject matter which is properly addressed under the prior art rejections below.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being anticipated by Moshaiov et al. (Moshaiov), U.S. Patent No. 6,256,634 B1, in view of Matusevich, U.S. Patent No. 6,119,016.

8. As to claim 1, Moshaiov discloses a network comprising a master, a plurality of slaves belonging to the master, and a shared channel connecting the master with the slaves (Col. 1, ln. 65 – Col. 2, ln. 6; Col. 4, ln. 23-52; Col. 6, ln. 29-33 and 41-43);

wherein the master periodically sends identifier information for first data that the network contains to at least one slave (Column 5, lines 29-31 and 41-42; Column 6, lines 29-47; the Primary Site Controller is the master and the Backup Site Controllers are the slaves; the Primary Site Controller periodically sends replication message packets to the Backup Site Controllers),

receives at least one request for data from at least one slave, finds the requested data, and sends the requested data to the corresponding slave (Column 16, lines 59-67; Column 17, lines 1-13) through the shared channel (Fig. 2; Col. 4, ln. 23-52);

wherein a slave detects identifier information for second data that the slave itself does not contain and which excludes identifier information for third data that the slave itself contains from the identifier information for first data received from the master, requests the master to send the second data, receives the data through the shared channel (Column 16, lines 59-67; Column 17, lines 1-13), determines whether the received data is contained in its second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur;

furthermore, Moshaiov checks for failed replication, as described in the cited sections), updates identifier information for the received second data in addition to identifier information for the third data, and stores the received second data in addition to the third data (Column 16, lines 59-67; Column 17, lines 1-13) when the received data is contained in the second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication, as described in the cited sections), and requests the master to again send the second data when the received data is not contained in the second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication and full synchronization occurs if the data has not been properly received by the slave, as described in the cited sections); and

whereby the data requested by the slave is received and stored by other slaves that need it simultaneously (Fig. 2; Col. 2, ln. 2-6; Col. 6, ln. 29-33; Column 16, lines 59-67; Column 17, lines 1-13; clearly, the Primary Site Controller is sending replication data to a plurality of Backup Site Controllers, which request it as described in cited sections of columns 16 and 17, and which are then received and stored; furthermore, if the plurality of

slaves is requesting such data from the master, then clearly the data is for "slaves that need it simultaneously") so flexible data between the master and the slaves are shared in real time (Column 6, lines 29-47; data is shared periodically, in real time, between the Primary Site Controller, the master, and the Backup Site Controllers, the slaves).

Moshaiov is silent on wirelessly sending and receiving data in the network.

However, Moshaiov discloses, "networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet… network connections shown are exemplary and other means of establishing a communications link between the computers may be used" (Col. 4, ln. 23-52). It is extremely well known in the art that a networking implementation may include wired connections, wireless connections, or a combination of both to enable network communications.

Additionally, Matusevich discloses wirelessly sending and receiving data in the network (Col. 1, ln. 14-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moshaiov by wirelessly sending and receiving data in the network as taught by Matusevich in order to take advantage of the communications network of Moshaiov which may include wireless capability, for the purposes of communicating without the need for wired connections.

9. As to claims 2 and 4, Moshaiov and Matusevich disclose the invention substantially as in parent claims 1 and 3, including a master and a plurality of slaves (Moshaiov: Col. 1, ln. 65 – Col. 2, ln. 6; Col. 4, ln. 23-52; Col. 6, ln. 29-33 and 41-43), and the master is a base station, and each of the slaves is a mobile wireless terminal (Matusevich: Col. 1, ln. 14-18; Col. 2, ln. 39-40).

10. As to claim 3, Moshaiov discloses a method for enabling any one of a plurality of slaves to receive data from a master through a shared channel to share flexible data in real time on a network (Column 1, lines 65-67; Column 2, lines 1-6; Column 6, lines 29-47; data is shared periodically, in real time, between the Primary Site Controller, the master, and the Backup Site Controllers, the slaves), comprising:

receiving identifier information for first data, which the network contains from the master (Column 16, lines 59-67; Column 17, lines 1-13);

detecting identifier information for second data that the slave itself does not contain and excluding identifier information for third data that the slave itself contains from the identifier information for the first data received from the master (Column 16, lines 59-67; Column 17, lines 1-13);

when there is identifier information for the second data, receiving data from the master through the shared channel (Column 16, lines 59-67; Column 17, lines 1-13);

determining whether identifier information for the received data is contained in the identifier information for the second data (Abstract, ln. 16-23; Fig. 13; furthermore, if the slave requested the second data and then receives the data from the server, it may be interpreted that the received data is contained in its second data, as otherwise the replication of Moshaiov would not occur; furthermore, Moshaiov checks for failed replication, as described in the cited sections);

when identifier information for the received data is contained in the identifier information for the second data, updating the identifier information for the received data in addition to the identifier information for the third data, and storing the received data in addition to the third data (Column 16, lines 59-67; Column 17, lines 1-13); and

when identifier information for the received data is not contained in the identifier information for the second data, sending the identifier information for the second data to the master, and requesting the master to send the second data (Column 6, lines 38-41; Column 16, lines 59-67; Column 17, lines 1-13).

Moshaiov is silent on wirelessly sending and receiving data in the network.

However, Moshaiov discloses, "networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet… network connections shown are exemplary and other means of establishing a communications link between the computers may be used" (Col. 4, ln. 23-52). It is extremely well known in the art that a

networking implementation may include wired connections, wireless connections, or a combination of both to enable network communications.

Additionally, Matusevich discloses wirelessly sending and receiving data in the network (Col. 1, ln. 14-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Moshaiov by wirelessly sending and receiving data in the network as taught by Matusevich in order to take advantage of the communications network of Moshaiov which may include wireless capability, for the purposes of communicating without the need for wired connections.

11. As to claim 5, Moshaiov and Matusevich disclose the invention substantially as in parent claim 3, including when there is no identifier information for the second data, returning to the step of receiving the identifier information, after waiting for a predetermined time (Moshaiov: Column 6, lines 29-47; Column 16, lines 59-67; Column 17, lines 1-13).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
/B. P. W./
Examiner, Art Unit 2152
3/18/08

/Bunjob Jaroenchonwanit/
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